

ADEPT
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Touchstones of parliamentary consensus

Sergiu Grosu, January 31, 2006

The President of the Parliament Marian Lupu has told in a recent programme on the TV channel Moldova-1 that the political partnership in the Parliament conditions the political stability in the country and it is lasting, though it requires "additional spending". The speaker indicated, in particular, the financial spending related to the live broadcasting of plenary sittings on radio/TV channels and publishing of records of public sittings on the website of the Parliament, but fell short of revealing the real political price of some decisions and negotiations on promotion of some legislative documents. Of course, negotiations take place permanently, but it was already said that the "political partnership" operates mainly when strategic, general matters are being examined.

Nevertheless, the partnership resisted in 2005 mostly under pressure of demands of "constructive opposition," though it is considered that the ruling partly and especially its chairman did not lose too much influence and control. The "active opposition" and independent experts give the following examples in this regard:

- a. the administration of the Superior Council of Magistrates and the Supreme Court of Justice did not change and many judges or candidates to the bench say that nothing has changed in the real process of promotion of judges - the Presidency remains the decision-making body;
- b. the leadership of the Chamber of Auditors did not change, while the fact that the opposition has obtained a post of deputy head and the majority of chamber members will not have a decisive role for quite a long time, because the lack of understanding within opposition parliamentary parties, the insufficient training and professional experience of members appointed by opposition and the persistent secretmania within public governmental institutions are factors that halt the normal activity of the supreme financial control institution;
- c. a part of the considerations mentioned above are also valid for the Central Electoral Commission, but this institution does not have important levers within the state system and the control on this commission cannot determine the implementation of some cardinal political reforms needed by opposition;
- d. the creation of a parliamentary subcommission to control the domestic security service SIS will not produce important effects because the tasks of this commission are reduced to supervision of respect for legality, human rights and freedoms, "non-admission of political engagement" of SIS, besides the controlled access to information, and this service has always known to declare itself as non-aligned and on duty for fundamental values.
- e. important reforms in the area of audiovisual, insurance of autonomy of local public administration and activity of prosecutor's office have failed so far, and these fields along with other decisions that the Parliament is to examine soon can be true "touchstones" of the parliamentary consensus.

Last remarks of the "active opposition" highlight some of priorities of the parliamentary activity during the session that will start in February, whose examination will arouse the general interest for sure, providing us with the possibility to make the necessary conclusions on viability and efficiency of the political consensus.

Audiovisual reform

Several drafts on amendment or substitution of the existing legislation on audiovisual are registered in the Parliament, several drafts are being examined by experts of the Council of Europe, being described as contradictory. One of the latest documents (draft audiovisual code) was signed in late 2005 by representatives of the majority faction representing the Moldovan Party of Communists (PCRM) and the faction of the Christian Democratic People's Party (PPCD). The stance of other parliamentary factions on this document is unknown so far, but we can already presume that the faction representing the Our Moldova Alliance (AMN) will have a special interest for these documents and this supposition is effective for the parliamentary faction of the Democratic Party, too.

As a rule, when the audiovisual reform is discussed, public mass media institutions that the Government still influences or controls and which continue to ensure the advertising needed by authorities in the period between electoral campaigns or even during electoral campaigns, are mentioned first of all.

However, the opposition will try this time to obtain more, along with modifications that must be promoted to regulate the activity and the structure of the TeleRadio-Moldova company - the revision of the audiovisual law, constitution mode and activity of the electronic media watchdog CCA, as well as special regulations that the electronic mass media must respect. If the market of printed media is developed, the activity of TV and radio channels is not completely clarified, permanent conflicts and lawsuits on distribution of frequencies and broadcasting of programmes demonstrate this assessment. The "liberalisation" and "democratisation" of the audiovisual sector before general local elections are a luxury that the Government would hardly afford and only if it has enough resources to take over the financial control on private channels with national coverage. Even more, the margin of negotiations in the area is not too large because this problem is indicated by national public opinion, specialised international organisations, most of resolutions and recommendations of the Council of Europe, with the ones of the European Union seeking on the cardinal reformation of audiovisual and insurance of freedom of mass media.

Code of education laws

Although it was announced as national priority by the chief of state, who has ordered the drafting of a package of laws on this area, the reform in education sector is late, while some methods are not enough prepared or bankrupt (the recent case of publishing and withdrawal of the handbook "Deprinderi de Viata" (Life Skills) is an example in this regard). The discussion of new draft laws on education has revealed many technical-juridical shortcomings and disclosed the intention to promote some subjects in curricula that have been the discord apple between opposition and governing: the studying of national language and history course. Representatives of the ruling party are trying to replace the course of Romanian history with a course of integrated history and call for support of European institutions for this purpose, but these institutions avoid direct and

open statements in this regard, recommending moratoriums till the reaching of a "national consensus" on complex problems.

The reform on education sector requires above all well-trained staffs and very large financial resources, with representatives of opposition trying more than once to promote these key elements: the PPCD faction and PDM faction has tabled drafts law on the status of teachers, which sought additional allocations by taking into account of the country's GDP too; the factions of PPCD, AMN and PD have proposed essential amendments to the state budget law for 2006, in a move to increase the sources allocated to the education sector; the same parties have insisted on an essential rise of salaries for teachers in the law on salaries of budgetary employees, which the Parliament adopted in late 2005 but the chief of state did not promulgate it.

The fulfilment of the goals included in the Economic Growth and Poverty Reduction Strategy Paper, the Moldova-European Union Action Plan, the governing programme until 2009 requires serious changes in the education area, while the promotion of some national ideological changes in the education sector, especially of teaching of language and history by PCRM faction could face the protest of opposition representatives, who have declared these elements as intangible symbols worthy of protection even on barricades.

Modification of Parliament's Regulation and law on status of lawmaker

Although they have not been declared as priorities of the package of reforms that makes the object of the political consensus, the modifications of the Parliament's Regulation (the awarding of additional guarantees to opposition) and the law on status of lawmakers (the exertion of mandate without any fear to lose the immunity from political reasons) were included in the package of documents related to the implementation of resolutions and recommendations of the Council of Europe and the talks on these issues cannot be avoided endlessly.

Of course, the opposition will want to include some provisions capable to award additional rights, while the most important ones are: the obligation to examine drafts of the opposition at plenary sittings; consolidation of the parliamentary control on the Government; granting of leading posts within important parliamentary commissions (budget, security) and working structures of the Parliament (reintroduction of post of secretaries of the Permanent Bureau, control on distribution of financial means).

The parliamentary majority has demonstrated that it can accept concessions, but the way the plenary sittings take place demonstrates that the PCRM leaders do not like all the changes. The amendments on promotion may fail in future, especially those envisaging the regulatory norms and enhanced protection for immunity of lawmakers.

Law on modification of the Election Code, constitution and financing of political parties

International electoral organisations and observation missions participating in the 2005 elections recommended amendments to the electoral legislation and procedures applied in the Republic of Moldova. As regards the technical aspects, improvement of electoral mechanisms, a parliamentary consensus would be

easily found. The situation is more complicated regarding other recommendations on the rise of the electoral threshold for independent candidates, modification of the electoral system, insurance of representation of regional parties in the Parliament, reduction of the turnout for validation of elections. However, the main parliamentary forces have some tangencies in this area, too - the modification of the electoral system is inconvenient to parties whose leaders concentrate the power in the middle, while the regional influence is weak, except for some cases.

The modality of constitution of political parties and movements did not change for a long time, while the previous tries of PCRM to promote methods that allow the domination of big parties had failed, while a new law on parties remains unfinished so far, though the Council of Europe has examined it and the Parliament adopted it in the first reading in 2000. The interest of political parties would rather focus now on the draft law on financing of parties and electoral campaigns, which is allegedly capable "to combat the political corruption." However, parliamentary parties would find again some tangencies capable to allow the adoption of this law, and they could even introduce additional benefits for parliamentary parties in the detriment of extra-parliamentary parties.

Reformation of judiciary system

The package of documents in the area should ensure the guaranteeing of independence of judges; enhanced efficiency and professionalism of magistrates; simplification of legal procedures; consolidation of execution of judgments; revision of competences of prosecutor's office and implementation of institutional reform on the Justice Ministry, the Supreme Court of Justice and the Bar. However, the executive and task forces created by cabinet of ministers are in charge with working out these drafts and it means that those who do not want this reformation too much are in charge with reformation in a certain measure. It was already observed that some cosmetic measures of principles of creation of the Superior Council of Magistrates, appointment and promotion of judges do not have a rapid and favourable effect and such a reform neither penetrates deeply, nor it changes the mentality.

The ruling majority would unlikely cede much of its influence on the judiciary system and prosecutor's office, while the opposition would not be able to ensure the promotion (and especially the implementation) of some essential changes from objective causes - the lack of financial, technical and human resources for needs of the system. This consideration is confirmed by recent developments, when the opposition parliamentary factions have tried to increase the allocations from the 2006 budget for the needs of justice or to introduce higher salaries of judges and prosecutors in the law on salaries of budgetary employees, but they failed in both of cases.

It could be presumed that certain amendments would be implemented, but their effect would be visible after a long period. However, the opposition would unlikely obtain the essential reformation of the prosecutor's office and it would not gain the real control on this body since this institution remains a very important lever, including within political and economic battles.

Laws on public administration and local autonomy

The support for local public administration is part of the category of key problems tackled within the political consensus. The Council of Europe recommends the real autonomy of local public administration, decentralisation of services and public finances, and this is an objective need in the process of adjustment to the international community standards. It should be noted that experts of the Council of Europe have examined the law on public administration and the law on local public finances and they contain the provisions needed to ensure the local autonomy in general.

The main problems in the area are related to restoration of districts as small and not very efficient territorial structures, the status of the Chisinau municipality and the impossibility of local communities to gather all the financial resources needed for an independent activity and development. Therefore, the main talks would focus on these issues and the parliamentary majority would unlikely accept the idea of a new regionalisation, especially because it holds the political, administrative and financial control on all district councils. As regards the Chisinau municipality, the principles of constitution and activity of municipal authorities, principles of distribution of collected sources will be debated, but the Parliament could also discuss new drafts capable to establish a clearer separation of the municipality into districts, with financially independent mayoralties and praetor's offices ruled by functionaries elected by residents.

The 2007 general local elections will be the "red thread" of all documents and debates on this topic and the "European principles and experience" could be in the middle ground.

Law on religious cults

Lawmakers passed a draft law **on religious cults and their components** on December 22, 2005 (which was registered as legislative initiative with only one week before - on December 15, 2005). The fact that the draft was emergently adopted, without any international expertises and public debates, allows suppositions that it was promoted under subjective circumstances. It should be noted that the chief of state said (at the parliamentary sitting on July 18, 2005) that the legislature will adopt a law **on freedom of consciousness and religious associations**, and such a draft was examined by the Council of Europe and submitted to the Government in 2004.

The hasty examination of a new draft at the end of 2005 can be explained through the wish to avoid new apostrophising and condemnations of the Council of Europe and European Court of Human Rights because the European institutions have earlier demanded the revision of legislation on religious cults in connection with the settlement of the case of the Bessarabian Metropolitan Church, while the Moldovan authorities have delayed this decision.

Contradictions on this topic are very interesting because representatives of the parliamentary majority maintain close relations with the Moldovan Metropolitan Church, while the PPCD faction is the main supporter of the Bessarabian Church. On the other hand, it seems that both metropolitan churches raise objections against some recommendations of the Council of Europe regarding the liberalisation of the procedure of registration of cults, legal institutionalisation of components of cults, their property, etc. The law could be adopted in the final reading on this channel of common interest, but the Council of Europe might have

a negative reaction especially because European experts have indicated more than once the need to coordinate the legislative norms in the area with the community norms.

The package of legislative documents that parliamentarians will examine at the 2006 spring session will also include drafts that will test the political partnership established in 2005. As for example, the eventual examination of a draft law that introduces additional guarantees for the chief of state, an idea that has already raised controversial reactions in the political environment and mass media.

A draft on amnesty of capital, which, the chief of state said at the end of 2005, was completed and it was declared as "an essential round in establishing relations between business and power," may also raise many questions. As the chief of state said that the amnesty may cover only capital of businesses, the opposition could condition its support for this document with the adoption of a law on declaration and control of estate, exclusion of conflicts of inherent interests in the same package. This idea would be effective if the implementation of this law does not affect the relations within own parties, the way it happens at present in some states.

Making conclusions on what was said above, it might be noted that the maintenance of the consensus and evolution of political developments in Moldova will depend in the biggest measure on ability and capacity of leaders of the constructive opposition on one hand and mobility of the presidential team on the other hand and we will have the occasion very soon to establish whether the eventual obstacles laid by "touchstones" were eliminated or at least avoided.